

II. REMARKS

A. Introduction

In this Office Action claims 1-22 are noted as pending and are rejected.

In summary of this Response, claims 4-5, 9-15, 17-20 and 22 are canceled, claims 1, 6 and 16 are amended, new claims 23-38 are added, and remarks are provided.

B. Double Patenting/Rejection

Claims 9-11 are rejected based on same-type double patenting.

Claims 9-11 are canceled herein so this rejection is mooted.

C. Rejection Under 35 U.S.C. Section 112, Second Paragraph

Claim 12, is objected to as being indefinite for the use of the phrase: "laterally of a middle".

Claim 12 is canceled herein so this rejection is also mooted.

D. Rejection Under 35 U.S.C. Sections 102 and 103

All of the pending claims were rejected as being anticipated or being made obvious by at least one of the Minato, Perryman, Balthazor (each already of record) and/or newly-cited Sano et al., U.S. Patent No. 5,141,209.

As noted above, claims 9-11 and 12-15 have been canceled. Nevertheless, it is respectfully submitted that the present invention, as recited by claims 1-3, 6-8, 16 and 21-38, was neither anticipated nor made obvious by any one, or a combination of, the cited references.

In regard to independent claims 1 and 16, which are rejected as being anticipated by Minato, these claims have been amended to include generally the subject matter of canceled claim 5, i.e., the chassis includes a recess portion at which the biasing member is held, as shown, e.g., in FIG. 11. It is respectfully submitted that Minato fails to teach or disclose such a structure for the following reasons.

As noted in the U. S. Patent Office's May 20, 2005 "Inter Parties Reexamination Communication" in the original U.S. Patent No. 6,656,011, Control No. 95/000036 (pages 9 - 10).

...The Merriam Webster's Collegiate Dictionary, Tenth Edition defines a

"recess" as an "indentation or cleft", therefore one with ordinary skill in the art would not interpret the loop-like members (38a and 38b) of Minato as a recess since they are not indentations or clefts...

...Minato '894 discloses an upper chassis comprised of member 29 and loop-like members 38a and 38b provided thereon in a protruding condition (see Minato '894, page 8, lines 1-2).

See also, e.g., the "Office Action in Inter Partes Reexamination", dated May 19, 2004, page 5, second full paragraph, page 7, last full paragraph over to page 8, last line and page 11, first through third full paragraphs.

Independent claim 16 is also rejected as being anticipated by Balthazor or Perryman. It is noted that claim 5 was not rejected under 35 U.S.C. Sections 102 or 103 based on Balthazor and/or Perryman. Accordingly, since similar subject matter of claim 5, i.e., the recess, is now incorporated in independent claim 16, it is believed that claim 16 distinguishes over the art.

E. New Claims

New claims 23-26 generally correspond to claims 3 and 6-8, but depend from amended claim 16 and refer to the biasing member.

New independent claim 27 is a combination of basically claims 16, 4 and 5, which, as noted above, is not taught or disclosed by the cited art. New claims 28-32 correspond generally to new claims 23-26 (based on claims 3 and 6-8) but depend from new claim 27.

New independent claim 33 is a combination of basically claims 1, 4 and 5, which, as noted above, is not taught or disclosed by the cited art. New claims 34-38 correspond generally to new claims 23-26 (based on claims 3 and 6-8) but depend from new claim 33.

F. Miscellaneous

The Examiner has acknowledged each of the IDS's that has been filed, and has noted in numbered paragraph 1 of the Action that all art has been considered. However, in regard to the IDS filed with the original application, the Examiner has crossed out several foreign references, suggesting she did not consider same, but gave no reason. There is no basis for not considering these references. Four of the five references are British References, of course being in the English language. The final reference, a German reference, was cited in the Parent, Serial No. 10/056,110 by the Examiner and it is believed an English Abstract is available

in the parent that was cited by the parent's Examiner. It is noted that the Examiner has a duty to review all art cited in a parent and that Applicant needs only to list them on a PTO 1449 to have them printed on an resulting patent – no copies need be submitted. See 37 CFR Section 1.98 (d) and MPEP Section 609.01.

It is respectfully requested that the Examiner reconsider these foreign references and issue a new countersigned PTO 1449 showing consideration of each of these five references.

III. CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that claims 1-3, 6-8, 16 and 21-38 are now in condition for allowance.

If there are any additional fees associated with this Response, please charge same to our Deposit Account No. 19-3935.

Finally, if there are any formal matters remaining after this Response, the undersigned would appreciate a telephone conference with the Examiner to attend to these matters.

Respectfully submitted,

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